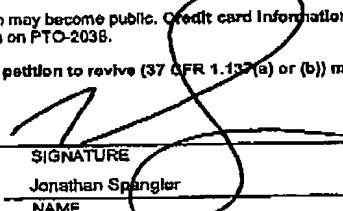


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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 072US1
INTERNATIONAL APPLICATION NO. PCT/US2002/028926	INTERNATIONAL FILING DATE 11 September 2002	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/527538
TITLE OF INVENTION SYSTEMS AND METHODS FOR REMOVING BODY TISSUE		
APPLICANT(S) FOR DO/EO/US Matthew Curran, Eric Kovach, Troy Woolley, Chester M Sutterlin.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: See transmittal sheet</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 02-2005)
 Approved for use through 3/31/2007. OMB 0651-0021
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER					
10/527538		PCT/US2002/028926		072US1					
The following fees have been submitted									
21. <input checked="" type="checkbox"/> Basic national fee.....		\$300		\$ 300					
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....		\$100		\$ 200					
All other situations.....		\$200							
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(s)(2)) has been paid on the International application to the USPTO as an International Searching Authority.....		\$100							
International Search Report prepared and provided to the Office.....		\$400							
All other situations.....		\$500							
TOTAL OF 21, 22 and 23 =		\$ 600							
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 60 sheets of paper or fraction thereof.									
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	\$					
- 100 =	/50 =		x \$250	\$					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.482(h)).									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$					
Total claims	20 - 20 =	0	x \$ 50	\$ 0.00					
Independent claims	1 - 3 =		x \$200	\$					
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$380					
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.									
SUBTOTAL = \$ 0.00									
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.482(i)).									
+ \$									
TOTAL NATIONAL FEE = \$ 0.00									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property									
+ \$									
TOTAL FEES ENCLOSED = \$ 730.00									
<table border="1"> <tr> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td>Amount to be charged:</td> <td>\$</td> </tr> </table>						Amount to be refunded:	\$	Amount to be charged:	\$
Amount to be refunded:	\$								
Amount to be charged:	\$								
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 50-2040 in the amount of \$ 730.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2040. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>									
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.									
SEND ALL CORRESPONDENCE TO:									
<p>Nuvasive c/o PortfolioIP P.O. Box 52050 Minneapolis, MN 55402</p> <p></p>									
<p>SIGNATURE Jonathan Spangler</p> <p>NAME 40,182</p> <p>REGISTRATION NUMBER</p>									

10/527538

DT15 Rec'd PCT/PTO 11 MAR 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Chester M. Sutterlin

Title: Systems and Methods for Removing Body Tissue

Attorney Docket No.: 072US1

PATENT APPLICATION TRANSMITTAL

Mail Stop PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

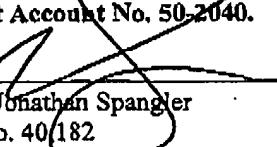
We are transmitting herewith the following attached items and information (as indicated with an "X"):

- Return postcard.
- Transmittal to the DO/EO/US concerning a *PCT - U.S. National Stage Filing under 35 U.S.C. 371 (2 pgs.)*.
- Specification (40 pgs, including claims numbered 1 through 20)
- Formal Drawing(s) (20 sheets);
- Unsigned Declaration and Power of Attorney (4 pgs.)
- Charge Deposit account 50-2040 in the amount of \$730.00 to pay the filing fee (which includes Late Declaration surcharge)
- Courtesy Copy of Published PCT Application WO 2004/024005 A1
- Information Disclosure Statement (2 pgs), Form 1449 (1 pgs)
- Preliminary Amendment (7 pgs).
- Notification of the International Application Number and Filing Date (1 pg.).
- Notification of Receipt of Record Copy (3 pgs.)
- Notification Relating to Priority Claim (1 pg.).

The filing fee has been calculated below as follows:

	No. Filed	No. Extra	Rate	Fee
TOTAL CLAIMS	20-20	0	x 50.00 =	\$0.00
INDEPENDENT CLAIMS	1-3	0	x 200.00 =	\$0.00
MULTIPLE DEPENDENT CLAIMS PRESENTED				\$0.00
BASIC FEE				\$300.00
SEARCH FEE				\$200.00
EXAMINATION FEE				\$100.00
LATE DECLARATION SURCHARGE				\$130.00
TOTAL				\$730.00

Please charge any additional required fees or credit overpayment to Deposit Account No. 50-2040.

By: Atty: Jonathan Spangler
Reg. No. 40182CUSTOMER NUMBER: 30328"Express Mail" mailing label number: EV539670036USDate of Deposit: March 11, 2005

This paper or fee is being deposited on the date indicated above with the United States Postal Service pursuant to 37 CFR 1.10, and is addressed to Mail Stop PCT, The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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